

**No. 21-10994**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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JOHN D. CARSON,  
*Plaintiff-Appellant,*

v.

MONSANTO COMPANY,  
*Defendant-Appellee.*

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On Appeal From The United States District Court For The  
Southern District of Georgia  
No. 4:17-cv-00237-RSB-CLR (Baker, J.)

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**UNOPPOSED MOTION TO SET EN BANC ORAL ARGUMENT  
FOR JUNE 15 OR JUNE 16**

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## **CERTIFICATE OF INTERESTED PARTIES**

Pursuant to Federal Rule of Appellate Procedure 26.1, Eleventh Circuit Rule 26.1-1(a)(1), and Eleventh Circuit Rule 26.1-2(d), Appellee Monsanto Company, through undersigned counsel, hereby submits this Certificate of Interested Parties and Corporate Disclosure Statement.

Below is a complete list of all trial judges, attorneys, persons, associations of person, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates, part corporations, any publicly-held corporations that own 10% or more of the parties' stock, and other identifiable legal entities related to a party. Pursuant to Eleventh Circuit Rule 26.1-2(d), this list also incorporates all persons and entities listed on all CIPs previously filed in this appeal.

### Interested Persons

1. Andiman, Alexis, Attorney for *Amici* Farmworker Association of Florida, Farmworker Justice, Migrant Clinician Network, Pesticide Action Network, United Farm Workers, and UFW Foundation
2. Andrews, Cory L., Attorney for *Amici* Atlantic Legal Foundation and Washington Legal Foundation

3. Apfel, Carrie, Attorney for *Amici* Farmworker Association of Florida, Farmworker Justice, Migrant Clinician Network, Pesticide Action Network, United Farm Workers, and UFW Foundation
4. Attaway, Scott K., Attorney for Appellant
5. Baker, Hon. R. Stan, United States District Judge
6. Boswell, Chase E., Attorney for Appellee (in the district court)
7. Brueckner, Leslie, Attorney for *Amicus* Public Justice
8. Calhoun, Martin C., Attorney for Appellee
9. Carson, John D., Jr., Attorney for Appellant
10. Carson, John D., Sr., Appellant
11. Coe, Alison, Attorney for *Amici* Farmworker Association of Florida, Farmworker Justice, Migrant Clinician Network, Pesticide Action Network, United Farm Workers, and UFW Foundation
12. Coffin, Shannen W., Attorney for *Amicus* CropLife America
13. Dickey, Jennifer B., Attorney for *Amicus* Chamber of Commerce
14. Ebner, Lawrence S., Attorney for *Amici* Atlantic Legal Foundation and Washington Legal Foundation
15. Farber, Daniel, *Amicus Curiae*

16. Goldman, Patti, Attorney for *Amici* Farmworker Association of Florida, Farmworker Justice, Migrant Clinician Network, Pesticide Action Network, United Farm Workers, and UFW Foundation
17. Hardeman, Edwin M., Plaintiff in *Hardeman v. Monsanto Co.*, No. 3:16-cv-00525-VC (N.D. Cal.)
18. Heinz, Noah, Attorney for *Amici* Daniel Farmer, Thomas O. McGarity, Paul McGreal, and David Rubenstein
19. Hollingsworth, Joe G., Attorney for Appellee
20. Imbroscio, Michael X., Attorney for Appellee
21. Keller, Ashley, Attorney for *Amici* Daniel Farmer, Thomas O. McGarity, Paul McGreal, and David Rubenstein
22. Khayyat, Rund, Attorney for Appellant
23. Kimmel, Melissa B., Attorney for *Amicus* PhRMA
24. Lasker, Eric G., Attorney for Appellee
25. Lazarus, Alan J., Attorney for *Amicus* Products Liability Advisory Council
26. Lee, Thomas H., Attorney for *Amici* Chamber of Commerce, PhRMA, and Products Liability Advisory Council, Inc.

27. Lehner, Peter, Attorney for *Amici* Farmworker Association of Florida, Farmworker Justice, Migrant Clinician Network, Pesticide Action Network, United Farm Workers, and UFW Foundation
28. Lenkner, Travis, Attorney for *Amici Curiae* Daniel Farmer, Thomas O. McGarity, Paul McGreal, and David Rubenstein
29. Lettow, Paul V., Attorney for *Amicus* Chamber of Commerce
30. Madison, Ashleigh Ruth, Attorney for Appellant
31. Maloney, Stephanie A., Attorney for *Amicus* Chamber of Commerce
32. Marshall, K. Lee, Attorney for Appellee
33. Martínez Llompart, Patricio G., Attorney for Appellee
34. Masslon II, John M., Attorney for *Amici* Atlantic Legal Foundation and Washington Legal Foundation
35. Mayer, Theodore V.H., Attorney for *Amici* Chamber of Commerce, PhRMA, and Products Liability Advisory Council, Inc.
36. McGarity, Thomas O., *Amicus Curiae*
37. McGreal, Paul, *Amicus Curiae*
38. Moore, Jennifer A., Attorney for Edwin Hardeman
39. Nicholls, Leah M., Attorney for *Amicus* Public Justice

40. Pilliod, Alberta, Plaintiff in *Pilliod v. Monsanto Co.* No. RG17862702 (Cal. Super. Ct.)
41. Pilliod, Alva, Plaintiff in *Pilliod v. Monsanto Co.* No. RG17862702 (Cal. Super. Ct.)
42. Postman, Warren, Attorney for *Amici* Daniel Farmer, Thomas O. McGarity, Paul McGreal, and David Rubenstein
43. Quallen, Matthew C., Attorney for Appellee\*
44. Ray, Hon. Christopher L., United States Magistrate Judge
45. Reinbold, Derek C., Attorney for Appellant
46. Rosenbaum, Adina H., Attorney for *Amicus* Public Citizen, Inc.
47. Rubenstein, David, *Amicus Curiae*
48. Savignac, Mark C., Attorney for *Amicus* CropLife America
49. Stein, William R., Attorney for *Amici* Chamber of Commerce, PhRMA, and Products Liability Advisory Council, Inc.
50. Stansel, James C., Attorney for *Amicus* PhRMA
51. Thomas, Michael J., Attorney for Appellee (in the district court)
52. Varcoe, Andrew R., Attorney for *Amicus* Chamber of Commerce
53. Vernon, Emily A., Attorney for Appellee

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\* Matthew C. Quallen is no longer employed at Covington & Burling LLP and his last day as an attorney for Appellee was January 31, 2023.

- 54. Watson, Sara Beth, Attorney for *Amicus* CropLife America
- 55. Williamson, Virginia A., Attorney for Appellee (before the panel)\*
- 56. Wisner, R. Brent, Attorney for Alva Pilliod & Alberta Pilliod
- 57. Wool, David J., Attorney for Edwin Hardeman & *Amicus* Public Justice
- 58. Young, Ernest A., Attorney for *Amici Curiae* Daniel Farmer, Thomas O. McGarity, Paul McGreal, and David Rubenstein
- 59. Zieve, Allison M., Attorney for *Amicus* Public Citizen, Inc.
- 60. Zions, David M., Attorney for Appellee

Entities

- 61. Atlantic Legal Foundation
- 62. Bayer AG, BAYRY
- 63. Bryan Cave Leighton Paisner LLP
- 64. Carson, John D., Jr., P.C.
- 65. Chamber of Commerce of the United States of America
- 66. Covington & Burling LLP
- 67. CropLife America
- 68. Earthjustice
- 69. Faegre Drinker Biddle & Reath LLP

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\* Virginia A. Williamson is no longer employed at Covington & Burling LLP.

70. Farmworker Association of Florida
71. Farmworker Justice
72. Hollingsworth LLP
73. Hughes, Hubbard & Reed, LLP
74. Keller Lenkner LLC
75. Migrant Clinicians Network
76. Monsanto Company
77. Pennington, P.A.
78. Pesticide Action Network
79. The Pharmaceutical Research and Manufacturers of America
80. Product Liability Advisory Council, Inc.
81. Public Citizen, Inc.
82. Public Citizen Litigation Group
83. Public Justice, P.C.
84. Southeast Law, LLC
85. Steptoe & Johnson LLP
86. United Farm Workers
87. UFW Foundation
88. U.S. Chamber Litigation Center
89. Washington Legal Foundation



**UNOPPOSED MOTION TO SET EN BANC ORAL ARGUMENT FOR  
JUNE 15 OR JUNE 16**

Pursuant to Federal Rule of Appellate Procedure 27, Defendant-Appellee Monsanto Co. respectfully moves the Court to set oral argument in this en banc matter for June 15, 2023, or June 16, 2023. In support of this motion, Monsanto states as follows:

1. In a Memorandum to Counsel and Parties dated January 4, 2023, the Court informed the parties that oral argument in this en banc matter will be held in Atlanta, Georgia, during the week of June 12, 2023, and that counsel will receive subsequent correspondence regarding the specific date of oral argument. A specific date for oral argument has not yet been announced.

2. The undersigned, lead counsel on this appeal for Monsanto, also serves as counsel for the Government of Ukraine in litigation against the Russian Federation before the International Court of Justice, the principal judicial organ of the United Nations, located in The Hague, Netherlands. On March 14, 2023, the International Court of Justice informed the parties that a hearing will be held the weeks of June 6 and 12, 2023, in The Hague. The undersigned expects his responsibilities in connection with this hearing to run through the beginning of the week of June 12.

3. In light of this conflict, the undersigned respectfully asks the Court to consider scheduling oral argument for Thursday, June 15, or Friday, June 16. To the

extent the Court is able to schedule oral argument for either date, the undersigned respectfully expresses a preference for Friday, June 16.

4. If the Court is unable to schedule oral argument on the requested dates, Monsanto respectfully asks the Court to deny this motion and maintain this matter on the calendar for the week of June 12, and not to postpone argument on this matter to a later en banc sitting.

5. The undersigned has conferred with counsel for Plaintiff-Appellant, who consents to the scheduling of oral argument for Thursday, June 15, or Friday, June 16.

Respectfully submitted,

Dated: March 20, 2023

/s/ David M. Zions

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*Counsel for Defendant-Appellee Monsanto Company*

### **CERTIFICATE OF COMPLIANCE**

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the motion exempted by Fed. R. App. P. 32(f) and Fed. R. App. P. 27(a)(2)(B), it contains 319 words.

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point, Times New Roman font.

/s/ David M. Zions

**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2023, I caused the foregoing document to be electronically filed with the United States Court of Appeals for the Eleventh Circuit using the appellate CM/ECF System for filing and transmittal of a Notice of Electronic Filing to counsel of record.

/s/ David M. Zionts